UNITED NATIONS

CEDAW

Convention on the Elimination of All Forms of Discrimination against Women

Distr.
GENERAL

CEDAW/C/13/Add.29
17 June 1991

ENGLISH
ORIGINAL: SPANISH

Committee on the Elimination of Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second periodic reports of States parties

PERU*

* For the intitial report submitted by the Government of Peru, see CEDAW/C/5/Add.60.

V.91 25757 0749E

63. With regard to the vocational situation, although women make up a population of 10,220,200, the number of economically active women is only 1,892,200; with regard to the levels of underemployment and unemployment among women, the figure is 81 per cent, as compared with men.

64. As a palliative measure for female unemployment, which mostly affects women in the urban-marginal areas where the bulk of them are "heads of family", the Government has been implementing programmes such as the Direct Support Programme (PAD), the Basic Infrastructure Programme for Food (PIBA), and the Support Programme for Temporary Income (PAIT).

65. PAD was created by gathering together the experience of women's organizations which have grown up since 1978: public kitchens, mothers' clubs and production shops. PAIT has attained broad projection. In nine programmes (urban PAIT), women represented 76 per cent, and carried out such tasks as collecting solid waste, basic sanitation, the restoration of reforestation tracks, painting of facades, and the fitting out and development of health stations; although these forms of temporary employment, without recognition of labour rights and with renumeration in cash or in kind, certainly have not guaranteed any permanency; the majority of the women were family mothers - 84 per cent - and their ages ranged from 24 to 45 years; these types of work require fairer legislation.

66. At the proposal of a Deputy, Law No. 24705 was promulgated in 1987; it recognizes housewives as independent workers, thereby making them eligible for health services, pensions and social security.

Women in public office

67. Since 1955, when women received the vote, their entry into politics has not been in proportion to the 50 per cent they represent; political parties do not give them the place that would be fitting for many women belonging to them. They are always given, from the male point of view, responsibilities that are typically female: fund-raising, secretarial work and any place on the lists of candidates that does not entail competition with the chances of a win by the men. In the Legislative representation of women is at the present time minimal: 10 Deputies and three Senators. In the Executive two women have been named as ministers for the first time in history, one in health and the other in education; the second one has retained her portfolio and her work has received the praise and recognition of the nation.

68. In the diplomatic service there are presently two women ambassadors, one of them accredited abroad and the other with a high rank in the Government; women have been incorporated into the diplomatic service with great effect. Very few women are mayors, Lima has had only one, and there are a large number of women "Regidors" throughout the Republic. For the first time a woman has been appointed Prefect in Huancavelica.

69. There is a woman Coordinator-General ("Centralera General") of the Republic and the National Auditing System, who supervises the implementation of the public sector budget, transactions involving the public debt and the management and use of public property and resources (article 146 of the Constitution), and who, furthermore, presides over the ILACIF (Latin-American Institute of Auditing Sciences), an international autonomous and apolitical body made up of all the auditing organizations of Latin America.

70. In the Judiciary and in the Ministerio Público there is great interest in bringing in women; for this purpose there is an open competition supervized by the Judges' Councils, both the district type and the National Council, recognized in Chapter X of the Constitution as autonomous organizations which put forward proposals to the Executive for the appointment of justices of the peace, judges of first instance, both civil and criminal, and various higher posts in the Judiciary.

71. A significant number of women are assistant police officers and court reporters.

72. The percentage of women appointed is still low compared with those proposed for the Councils; for example no woman has been a Chief Attorney or Member of the Supreme Court. Nevertheless, for the first time in the history of justice the Executive, at the proposal of the National Council of Judges, appointed a woman in 1987; the appointment was to be ratified by the Senate but the obstacles placed in the way by Senators are preventing this happening.

73. It is very important to point out that at the level of the Supreme Court there has been created the Academy of Judges, the Director of which is a woman who was elected at a plenary meeting from a short-list consisting of herself and two men.

74. Women do not have access to the armed forces; however, since 1975, the International Women's Year, they have been admitted to the Higher Military Studies Centre (CAEM), which is a research centre for the complex problems of national defence with full awareness of our reality, and the results which have been obtained represent a true body of national doctrine. Between 1975 and 1988, 26 women have graduated in various fields from the research centre.

75. The national police as an auxiliary force has policewomen and for the first time is opening an administrative office for women for the sole purpose of looking after women who are assaulted and/or assailed; this project was submitted by the same Deputy who introduced the Law by which a policewoman has access to the rank of officer.

Machinery and offices available to women

76. At Government level there is no coordinating body for the activities that should have been carried out since 1979 in order to implement the Convention; since the Peruvian National Commission for Women's Affairs (dissolved by a decree law in 1978) was set up, it has been mainly the private organizations that have been active and which do good work in a fairly significant number.

77. Some ministries have created offices for this purpose, the most important one being that of the Ministry for Foreign Affairs, namely the Directorate for Women's Affairs, and in the Ministry of Justice it is the Special Commission for Women's Rights; in the Ministry of Education it is the Commission on Women, Families and Population; equally, the Senate of the Republic is setting up a Commission on Women, Children, Youth and the Elderly. The municipality of Lima is founding the House of Women.

78. The project submitted by a woman Senator for the establishment of the House for Ill-treated Women was not approved by the Commission of Justice. The bulk of the bills submitted by women Senators have not received backing by the Senate.

79. Access by policewomen to the rank of officer has not worked out; the Administrative Office for Women has a male director.

80. A woman judge of the Higher Court was removed from office for having entered the Higher Military Studies Centre. The sanction was discussed on the basis of a habeas corpus writ, and she was reinstated several years later. Justice was done.

Jurisdictional competence for implementation of the Convention

81. The Law governing habeas corpus, Law No. 23506, and the law amending it, Law No. 25011 of 7 February 1989, is the safest legal channel for arguing any case of discrimination before the judiciary, since the action of guarantee is aimed at reverting to the state prior to infringement of or threat to a constitutional right.

82. Recognition of equality before the law is a constitutional right without any distinction for reason of sex, race, religion, opinion or language.

83. Habeas corpus is the channel for implementing the Convention, given that the constitutional guarantees are in line with the Convention and that the Treaty has preference over any other law, including the Constitution (article 101).

84. Article 4 of the Law on habeas corpus states: "If action by reason of the infringement of a constitutional right is exercised by the issuance of a due act the decision shall order the unconditional and immediate execution of the said act".

85. The instances are not exhausted in the Supreme Court; the Court of Constitutional Guarantees is competent to decide resolutions rejecting habeas corpus, when the judicial channel is exhausted; it also covers the same law on international jurisdiction, article 39, for the purposes of the provisions of article 305 of the Constitution; the international jurisdictional bodies to which one may have recourse if it is considered that the laws that the Constitution recognizes have been infringed are the Commission on Human Rights of the United Nations, the Inter-American Committee on Human Rights of the Organization of American States and others which are to be established in the future and which may be approved by treaties binding for Peru and which possess the category referred to in article 105 of the Constitution.

86. The status of women as marginal or discriminated against will last as long as women do not get themselves organized in accordance with the principles of the United Nations and the Organization of American States, with the support of the Government, not only as ministerial offices, but at the higher level of decision-making; plans for development should envisage the incorporation of women as planners, managers and directors of activities aimed at achieving the goals of the Convention, which coincide with those of our own Constitution.